

JS 44C/SDNY  
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Rally Auto Group, Inc.

DEFENDANTS

General Motors LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Steve Blatt, Bellavia Gentile & Associates  
200 Old Country Road, Mineola, NY 11501 (516-873-3000)

ATTORNEYS (IF KNOWN)

Arthur Steinberg, King & Spaulding  
1185 6th Avenue, New York, NY 10036 (212-556-2100)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158, Bankruptcy Appeal

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
		PERSONAL INJURY		PERSONAL INJURY		X 422 APPEAL		[ ] 400 STATE	
[ ] 110 INSURANCE		[ ] 310 AIRPLANE		[ ] 610 AGRICULTURE		28 USC 158		[ ] 410 ANTITRUST	
[ ] 120 MARINE		[ ] 315 AIRPLANE PRODUCT		[ ] 620 OTHER FOOD & DRUG		[ ] 423 WITHDRAWAL		[ ] 430 BANKS & BANKING	
[ ] 130 MILLER ACT		LIABILITY		[ ] 625 DRUG RELATED		28 USC 157		[ ] 450 COMMERCE	
[ ] 140 NEGOTIABLE		[ ] 320 ASSAULT, LIBEL & SLANDER		SEIZURE OF PROPERTY				[ ] 460 DEPORTATION	
INSTRUMENT		[ ] 330 FEDERAL EMPLOYERS' LIABILITY		[ ] 630 LIQUOR LAWS		PROPERTY RIGHTS		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT		[ ] 340 MARINE LIABILITY		[ ] 640 RR & TRUCK		[ ] 820 COPYRIGHTS		[ ] 480 CONSUMER CREDIT	
[ ] 151 MEDICARE ACT		[ ] 345 MARINE PRODUCT LIABILITY		[ ] 650 AIRLINE REGS		[ ] 830 PATENT		[ ] 490 CABLE/SATELLITE TV	
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)		[ ] 350 MOTOR VEHICLE		[ ] 660 OCCUPATIONAL SAFETY/HEALTH		[ ] 840 TRADEMARK		[ ] 810 SELECTIVE SERVICE	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS		[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY		[ ] 690 OTHER		SOCIAL SECURITY		[ ] 850 SECURITIES/COMMODITIES/EXCHANGE	
[ ] 160 STOCKHOLDERS SUITS		[ ] 360 OTHER PERSONAL INJURY		LABOR		[ ] 861 HIA (1395(f))		[ ] 875 CUSTOMER CHALLENGE	
[ ] 190 OTHER CONTRACT				[ ] 710 FAIR LABOR STANDARDS ACT		[ ] 862 BLACK LUNG (923)		12 USC 3410	
[ ] 195 CONTRACT PRODUCT LIABILITY				[ ] 720 LABOR/MGMT RELATIONS		[ ] 863 DIWC/DIWW (405(g))		[ ] 890 OTHER STATUTORY ACTIONS	
[ ] 196 FRANCHISE				[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT		[ ] 864 SSID TITLE XVI		[ ] 891 AGRICULTURAL ACTS	
		ACTIONS UNDER STATUTES		[ ] 740 RAILWAY LABOR ACT		[ ] 865 RSI (405(g))		[ ] 892 ECONOMIC STABILIZATION ACT	
		CIVIL RIGHTS		[ ] 790 OTHER LABOR LITIGATION		FEDERAL TAX SUITS		[ ] 893 ENVIRONMENTAL MATTERS	
REAL PROPERTY		[ ] 441 VOTING		[ ] 791 EMPL RET INC SECURITY ACT		[ ] 870 TAXES (U.S. Plaintiff or Defendant)		[ ] 894 ENERGY ALLOCATION ACT	
[ ] 210 LAND CONDEMNATION		[ ] 442 EMPLOYMENT				[ ] 871 IRS-THIRD PARTY		[ ] 895 FREEDOM OF INFORMATION ACT	
[ ] 220 FORECLOSURE		[ ] 443 HOUSING/ACCOMMODATIONS				26 USC 7609		[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	
[ ] 230 RENT LEASE & EJECTMENT		[ ] 444 WELFARE						[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 240 TORTS TO LAND		[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT		[ ] 510 MOTIONS TO VACATE SENTENCE 20 USC 2255					
[ ] 245 TORT PRODUCT LIABILITY		[ ] 446 AMERICANS WITH DISABILITIES - OTHER		[ ] 530 HABEAS CORPUS					
[ ] 290 ALL OTHER REAL PROPERTY		[ ] 440 OTHER CIVIL RIGHTS		[ ] 535 DEATH PENALTY					
				[ ] 540 MANDAMUS & OTHER					
				[ ] 550 CIVIL RIGHTS					
				[ ] 555 PRISON CONDITION					
						IMMIGRATION			
						[ ] 462 NATURALIZATION APPLICATION			
						[ ] 463 HABEAS CORPUS-ALIEN DETAINEE			
						[ ] 465 OTHER IMMIGRATION ACTIONS			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN *x* IN ONE BOX ONLY)

**ORIGIN**  
☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment  
☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN *x* IN ONE BOX ONLY)

**BASIS OF JURISDICTION**  
☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)**

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] [ ]	FOREIGN NATION	[ ] [ ]

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Rally Auto Group, Inc.  
438 Alto Vista Drive  
Palmdale, CA 93551  
(Los Angeles County)

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

General Motors LLC  
400 Renaissance Center  
Detroit, MI 48265  
(Wayne County)

**DEFENDANT(S) ADDRESS UNKNOWN**

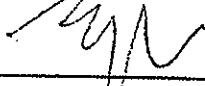
REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE

10/14/10  
RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[x] YES (DATE ADMITTED Mo. 3 Yr. 1988)  
Attorney Bar Code #2161164

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)